



Lamoine Board of Selectmen

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Minutes of October 9, 2014

Chairman Gary McFarland called the meeting to order at 6:30 PM.

Present were: Selectmen Bernie Johnson, Heather Fowler, Nathan Mason, Gary McFarland, S. Josephine Cooper; Administrative Assistant Stu Marckoon and candidates for the Animal Control Officer position.

Gary moved to enter executive session pursuant to 1MRSA §405(6)(a) for the purpose of interviewing candidates for the Animal Control Officer position. Heather 2nd. **Vote was 5-0 in favor at 6:30 PM.** Out at 7:01 PM

Gary called the regular meeting to order at 7:01 PM.

In addition to those listed above, present were Linwood Brann, Richard Fennelly Jr., John Jerabek, Brett Jones, Carol Korty, Kathleen Rybarz, Michael Jordan (Code Enforcement Officer), Mark Harris, Carol Mason, Kathy Gaiainguest, Richard McMullen and Brian Hubbell.

Minutes – September 25, 2014 – Gary moved to approve the minutes as written. Heather 2nd. **Vote in favor was 5-0.**

Expenditure Warrant 7 – Selectmen signed the expenditure warrant in the amount of \$84,571.81. Stu said about \$65,000 was for the school.

Cash & Budget Report – Stu noted excise tax collections remain strong.

Checking Account Review – Selectmen signed the statement expressing satisfaction with their review of the checking account reconciliation which had been e-mailed the previous week.

Quarterly Excise Tax Report – There were no comments on the quarterly report.

Audit – Stu reported the field work for the audit is complete and a report should be ready in a few weeks.

Cemetery Contract – Richard Fennelly said he wanted to understand why the cemetery associations are being asked to enter into an agreement for the care of veterans' graves. Stu said the law changed that requires the municipality to care for graves a few years ago. Mr. Fennelly said he spoke with state representative Rich Malaby who told him there was no distinction between the graves of veterans who served in conflicts and those that did not. Linwood Brann said he questioned that based on past interpretations.

Stu said the other reason for the contract is so that both the town and the cemetery associations will know what to expect. Mr. Fennelly said there is a difference in the way that his association (East Lamoine Cemetery) and the Forest Hill Cemetery Association

send their bills. He said Forest Hill only bills for those veterans' graves without perpetual care while East Lamoine's last bill was for all veterans.

Jo said she feels it is important for the town to take care of Veterans' graves. She said the purpose of the agreement is so that everyone can be on the same page. Bernie asked if there was a concern about entering a contract. Mr. Fennelly said they feel if there is going to be a contract that all the cemetery associations should have one or no contract at all. Stu said that was the idea as the same proposal is before Forest Hill Cemetery. There was a discussion about the Marlboro Cemetery which has yet to re-form an association. Stu said the town currently pays to have that cemetery mowed once a month.

There was a lengthy discussion about editing the draft contract. The Selectmen and both cemetery association representatives discussed costs and agreed upon \$30/grave for all veterans' graves regardless of whether there is perpetual care or not. Mr. Fennelly estimated there are 77 Veterans' graves at East Lamoine. Mr. Brann estimated 86 at Forest Hill. Stu said he would redraft the contract and get the latest version to Mr. Brann and Mr. Fennelly for their organizations to approve and once that happens, the Selectmen can approve.

Appointments – Animal Control Officer – The Board agreed to table an appointment until all applicant interviews are completed. The chair will call the meeting time.

Alternate – Planning Board – Heather nominated Richard McMullen as an alternate Planning Board member. Nathan 2nd. **Vote in favor was 5-0.**

Budget Committee – No one has expressed interest in serving as an alternate Budget Committee member.

Legal Matters Update – Ames v. Town – Stu reported that a mediation session is planned for November 10, 2014 in Bangor. He said the town attorney has requested that he be present, but he is not sure what the reason might be. He said he's not sure what authorization the Selectmen should grant in this matter.

John Jerabek said the town might be taking an expense for something that might not yield a benefit. He said alternative dispute resolution is required in this process. He said the board should get more information on where this is headed. He suggest that the board meet with the town attorney. Mr. Jerabek then handed out a letter to the Board regarding this matter bearing the heading "Friends of Lamoine". Stu reminded Mr. Jerabek that the town is represented by counsel on this matter. Mr. Jerabek said he is not dispensing legal advice in the letter.

MacQuinn Cases – Stu reported that as far as he knows, the initial MacQuinn case remains withdrawn. He said the other case involving denial of a Site Plan Review permit has entered the discovery phase.

Selectmen said they would like to meet with the town attorney.

Complaint – Abandoned Building, Marlboro Beach Road – Stu reported the town had received a complaint about an unsafe building on Marlboro Beach Road. He said last meeting the Selectmen referred the matter to the Code Enforcement and Health Officers and they have visited the property and prepared reports recommending action. He said the next step is for the Selectmen to schedule a hearing with the property owner.

Bernie asked to whom the building posed a danger. Jo said she had the same question. She said there is some valid concern that it's a fire danger and a collapse danger. She said the eyesore is in the eye of the beholder. Stu read from the state dangerous building statute (17 MRSA § 2851) which sets out the following criteria: *is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment.*

Nathan said the building is not suitable for occupancy. Jo said she would have more concern if someone were actually living in the building. She said a hearing would seem appropriate. Bernie asked if the owner is around. Jo said he lives in Ellsworth. Bernie asked if the building is repairable. Code Enforcement Officer Michael Jordan said that would be a decision of the property owner.

Heather moved to start the hearing process. Nathan 2nd. **Vote in favor was 5-0. Selectmen signed a hearing notice for November 13, 2014.**

Stu said the information packet strongly advises that the Town Attorney be involved in the process. There was no disagreement from the board.

Returnables – Jo moved to award the proceeds of the returnable containers at the transfer station to Girl Scout Troop 796 for February of 2015. Bernie said this is the Brownie troop. Heather 2nd. **Vote in favor was 4-0 (Johnson abstained).**

Town Meeting Date – After a lengthy discussion about dates and attendance, Jo moved to set the annual town meeting election for Tuesday, March 10, 2015 and the open town meeting on Wednesday, March 11, 2015. Heather 2nd. **Vote in favor was 5-0.** Selectmen said they would discuss possible child care options at a later date. The board signed an order setting the town meeting dates.

Automobile Graveyards – Gary said Pro Auto Center has ceased operations. He noted that the old jeep located at the property on Douglas Highway was restabilized following an inquiry a couple of meetings ago. Stu said some of the stipulations of the last license would require the Code Enforcement Officer to check to see if they've been met. Bernie said it might be difficult to have those properties re-licensed as automobile graveyards if the yards and licenses have been discontinued.

Jo moved to request that the CEO inspect the licensed sites. Gary 2nd. **Vote in favor was 5-0.**

Lamoine Quarterly – Stu reported the draft is done. There was a brief discussion. He said he would like to get it published tomorrow. There was no objection.

Technology Committee Recommendation – Brett Jones said the committee has recommended purchase of a backup server in case the main web server fails. He estimated the cost at \$300 to \$400. Nathan moved to authorize purchase. Heather 2nd. **Vote in favor was 5-0.**

Gravel Ordinance Draft #2 – Nathan noted that there are conflicts in the draft in the buffer strip section and topsoil restoration section. Stu noted those sections exist in the current ordinance and were not changed in the draft, but could be redrafted. The conflicts will be addressed in the next draft.

Appeals Board Request – Town Attorney Use – Stu reported the Board of Appeals approved of a request to ask to use the town attorney to answer a question in regard to section “M” of the Site Plan Review Ordinance. Selectmen reviewed the draft meeting minutes. Jo moved to authorize the Board of Appeals to utilize the town attorney. Nathan 2nd. **Vote in favor was 5-0.**

Recreation Opportunities – It was noted that the Parks Ordinance does not make reference to recreation programs. Nathan said the ordinance does allow Selectmen to designate other town owned areas as under the Parks Commission jurisdiction.

Stu said he sent an e-mail to the School Committee and Parks Commission and copied the Selectmen in regard to the conversation from an earlier meeting. Brett Jones said he would bring the matter up at the next School Committee meeting. There was a discussion about space/use conflicts at the school athletics fields. Mr. Jones asked what the Selectmen were looking for. Gary said ideas on organization of recreational opportunities. Nathan asked if this might go to the level of a new committee. He suggested involving the PATRONS group. There was a discussion on how to get going on a recreation program. It was noted that Cynthia Donaldson might be a good person to contact in regard to programs for young children.

Building & Land Use Amendment Article – Stu reported he had drafted an article in town meeting form based on the request from CEO Jordan regarding Recreational Vehicles and dwelling units. There was no objection from the board on including the article in the next town meeting warrant.

Next Meetings – The next regular meetings will be October 23, November 13 and December 11.

There being no further business, the meeting adjourned at 8:43 PM.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen